IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 20107 of 2004

Between:

G.Sekhar Reddy, s/o G.Ramakrishna Reddy,aged 34 years,

Contract Labour, r/o H.No.1-7-216/A/3, New Gunj, Mahabubnagar,

Mahabubnagar District.

..... PETITIONER

AND

1 The Chairman & Managing Director, APCPDCL,

Vidyut Soudha, Hyderabad.
2 The Superintending Engineer, Operation Circle,

APCPDCL, Mahabubnagar.
3 Divisional Engineer, Electrical Transformers,

APCPDCL, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more fully in the nature of writ of mandamus declaring the action of the respondents in not considering petitioner's case for regularization on the ground that L.S.Agreement Number and Check measurement Number is not mentioned in the service certificate issued by the contractor even though the same is mentioned and rejecting petitioner's case as illegal improper, arbitrary and violative of principles of natural justice and consequently direct the respondents to consider and regularize/absorb the services of the petitioner in the respondent corporation.

Counsel for the Petitioner: MR.K.CHAITANYA

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court at the stage of admission made the following:

ORDER:

The petitioner contends that he has been working as a contract labour under various licensed contractors. He worked under a contractor by name M/s.Raghavendra Engineering Works from 01.04.1992 for a period of 12 years for undertaking transformer repairs. He became age barred for Government service and he is eligible to be considered for regularization on account of his long standing service under the contractor. The respondent Board is regularizing the casual labourers through different proceedings.

2. The petitioner was called for interview on 02.02.1999 as per the direction of this Court, and he attended the same, but the result of the interview was not communicated to him. He made several representations. Ultimately, four years later, i.e. on 17.10.2003, the respondent passed the impugned order, rejecting his claim for regularization. He, therefore, approached this Court, through this writ petition, seeking to declare that the action of the respondents in not considering his case for regularization, on the ground of absence of L.S. Agreement number and check measurement number in the Service Certificates, as illegal and arbitrary, and to direct the respondents to consider his case for regularization into the service of the respondent Board.

3. The 2nd respondent passed the impugned order on 17.10.2003, in pursuance of the order of this Court dated 11.06.1998 passed in W.P.Nos.15310/98, 15356/98 and 15403/98. In the proceedings, the 2nd respondent did not find the petitioner's eligibility for the following grounds:

1. The contractor has not mentioned certain particulars in the service certificate, such as agreement numbers, date, mode of agreement and date of check measurements, under which the petitioner was

engaged;

2. As per Memo No. Addl. Secy./DGM(IR)/AS(IR)/PO-II/A1/1170/99, dated 03.12.1999, the Service Certificate issued by the Contractor is to be signed by the A.P.TRANSCO Officers i.e. AAE/ADE duly verifying with reference to the agreement, under which the particular Contract Labour is engaged i.e. prior to 18.05.1997 and confirming that the check measurement is after 18.05.1997;

4. The petitioner contends that he submitted his bio-data, duly signed by the Divisional Engineer A.P.S.E.Board, Mehabubnagar at the time of interview and also produced Service Certificates dated 10.11.1999 and 28.01.1999. He further contends that in the Service Certificate dated 10.11.1999 the Contractor, ADE and Divisional Engineer of A.P.S.E.Board, Mehabubnagar signed, and the Service Certificate dated 28.01.1999 was signed by the Contractor, furnishing the particulars of the check measurements and L.S.Agreement. He further contends that without going into those particulars, the 2nd respondent mechanically passed the impugned order by observing that he is not eligible for consideration as L.D.C.

5. There is no mention in the impugned order whether the particulars are true or false. The 2nd respondent simply mentioned that those particulars have not been furnished. If the particulars as required are not sufficient, the

2nd respondent, instead of rejecting the candidature of the petitioner, ought to have directed the petitioner to furnish the particulars. If the petitioner fail to furnish the particulars as required, the 2nd respondent has every justification to pass an order, holding that the petitioner is not eligible for consideration. But without giving any opportunity to the petitioner and without considering the particulars given by him in the Service Certificates, passing the impugned order indicates that the 2nd respondent has no intention to consider the candidature of the

petitioner.

6. In the light of the above circumstances, the impugned order dated 17.10.2003 is set aside. The 2nd respondent is directed to once again examine the Service Certificates produced by the petitioner, and if those Service Certificates do not contain all the particulars required, he shall direct the petitioner to produce further details for the purpose of consideration, and after production of such particulars by the petitioner, the 2nd respondent shall consider the candidature of the petitioner, regarding his eligibility for appointment, and pass appropriate orders regarding his request for absorption or regularization of his services as LDC in the respondent Board. The 2nd respondent shall pass the order within 2 (two) months after the petitioner furnishing all the particulars.

7. The Writ Petition is, accordingly, disposed of. No costs.

Note:

Issue CC in one week.

B/o.

Dsr

ASSISTANT REGISTRAR

To:

1. The Chairman & Managing Director,

A.P.CPDCL, Vidyut Soudha, Hyderabad

2. The Superintending Engineer,

Operation Circle, APCPDCL, Mahabubnagar

3. The Divisional Engineer, Electrical Transformers,

APCPDCL, Mahabubnagar

4. Two CD copies.